

**REMARKS**

Reconsideration and allowance of this application, as amended, is respectfully requested.

This Amendment is in response to the Office Action dated July 9, 2004. By the present Amendment, original claims 1-7 have been canceled, without prejudice, and replaced by the new claims 8-10.

Reconsideration and removal of the same invention double patenting rejection of claims 1-7 over the claims of the parent U.S. Patent 6525968 is respectfully requested. By the present Amendment, new claims 8-10 have been drafted for purposes of overcoming this rejection. Specifically, MPEP 804 requires that in order for a "same invention" type double patenting rejection under 35 U.S.C. § 101 to be proper, the claims of the application in question must be substantially identical to the claims of the reference patent. In the present instance, new claims 8-10 define the features of a floating gate and a control gate, which terms are not found in the reference claims 1-7 of the '968 patent. Also, the steps for verification of the program data set forth in the independent claim differ from the steps defined in claims 1-7 of the '968 patent (which patent claims specifically require application of positive voltage to the drain and zero voltage to a well region). Accordingly, it is respectfully submitted that claims 8-10 clearly overcome the same invention double patenting rejection set forth in the Office Action, and reconsideration and removal of this rejection is respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the

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Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 520.39550CV3), and please credit any excess fees to such deposit account.

Respectfully submitted,

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